

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Marthilde Brzycki,

Plaintiff,

v.

University of Washington,

Defendant.

CASE NO. C18-1582 CKJ

ORDER FOR REMOTE CIVIL  
BENCH TRIAL

The court orders the following procedures and protocols for a remote trial starting on  
November 12, 2020 at 8:00AM PST.

A. Trial format

☒ Remote

☒ The entire trial will take place using the ZoomGov.com platform. The  
parties, counsel, and witnesses will not be physically present in the  
courtroom.

☒ The public will have access via a link published on the court's trial calendar.

Access to the public requires that they not record, via audio, video or screenshot, or permit any other person to record, via audio, video or screenshot, the hearing or any part of it.

☒ The parties must agree in advance whether they consent to a video broadcast of the trial (agreement = video and audio broadcast for the public; no agreement = audio broadcast only for the public). Check the appropriate box:

☐ The parties consent to the video broadcast of the trial

☐ The parties do not consent to the video broadcast of the trial (audio broadcast only)

#### B. Preparation

☒ Counsel shall review the tutorials located at

<https://www.youtube.com/playlist?list=PLQQODreSvdKHWF4JsOIQp8zMJMt9ulM-2> and familiarize themselves with: :

☒ ZoomGov.com

☐ Box.com

☒ King County CLE modified for federal court

☒ Parties and counsel are to participate on November 10, 2020 at 8:00AM with the

court and its IT representative for a technology check.

☒ Counsel shall ensure that they and each witness have the hardware, software, data bandwidth, and internet access required to testify remotely based on the minimum system requirements posted at

<https://www.wawd.uscourts.gov/attorneys/remotehearings>. Counsel shall also

1 ensure that parties and witnesses have an alternative means of communicating  
2 with each other outside the ZoomGov.com platform (e.g., a cellphone).

- 3 ☒ Consider steps to establish high-speed internet connection (e.g., if possible a  
4 hard-wired connection is generally preferable to a wireless internet  
5 connection). Limit internet usage by others during the hearing as this may  
6 impact connection speed for the hearing.

7 C. Record

- 8 ☒ The court will provide a court reporter for the trial. No portion of the hearing  
9 shall be recorded or broadcast, in whole or in part, in any fashion by any  
10 participant, witness or public observer.

- 11 ☒ The parties and counsel agree that they will not record, via audio, video or  
12 screenshot, or permit any other person to record, via audio, video or  
13 screenshot, the hearing or any part of it. The parties and counsel will ensure  
14 that each additional attendee at the hearing for which that party is responsible  
15 also acknowledges and agrees to this prohibition on recording.

16 D. Witnesses and Participants

- 17 ☒ Counsel shall email the courtroom deputy at [grant\\_cogswell@wawd.uscourts.gov](mailto:grant_cogswell@wawd.uscourts.gov)  
18 provide the following for each party, attorney, or witness who will appear  
19 remotely:

20 ☐ Name

21 ☐ Email address

22 ☐ Phone number

23 ☐ Participant status (party, attorney, or witness)  
24

1           ☒ The courtroom deputy will then supply the invitation link for those  
2           participating. When a participant remotely accesses the trial, the participant  
3           will first enter a virtual waiting room. The courtroom deputy will admit  
4           participants to the virtual court proceeding from the virtual waiting room.  
5           Counsel will be responsible for notifying witnesses when they are expected to  
6           report to the virtual waiting room.

7       E. Exhibits

8           ☒ All exhibits will be uploaded by counsel to the “Box.com” website via a link  
9           that the courtroom deputy will email to counsel prior to the trial start date.

10          ☒ One hard copy will be delivered to the judge at the U.S. Courthouse at

11                   ☒ 700 Stewart Street, Seattle, WA 98101

12                   ☐ 1717 Pacific Avenue, Tacoma, WA 98402

13          ☒ Each witness testifying shall have a hard copy of any exhibit they will be  
14           expected to use or examine during the trial.

15          ☒ The witness will not access the exhibits until instructed by examining counsel.

16          ☒ Counsel or a *pro se* party shall certify that exhibits uploaded and the exhibits  
17           produced in hard copy are identical.

18          ☒ The courtroom deputy will download each exhibit as it is admitted to create  
19           the court’s record.

20          ☒ Depositions expected to be used for impeachment or trial testimony shall be  
21           delivered to the court under seal.

22          ☒ The parties must comply with LCR 32 for the use of depositions at the trial,  
23           including video depositions.  
24

- 1           ☒ The court shall be notified if a video deposition is to be used as substantive  
2           evidence and whether it will be played during the course of the trial or simply  
3           provided to the court in advance of the trial date for review. If it will be used  
4           during trial, counsel shall be prepared to broadcast the video deposition via  
5           ZoomGov.com using the screen sharing function.

6           F. Professionalism During the Trial

7           ☒ Ambient Noise Protocols

- 8                   ☒ When the court, counsel, or a witness is speaking, please avoid  
9                   interrupting the speaker.

- 10                  ☒ Upon admission to the ZoomGov.com platform, participants shall  
11                  mute their microphones and activate microphones when directed by  
12                  the court (e.g. a witness shall activate the microphone when testifying  
13                  as shall the examining and defending attorneys during witness  
14                  testimony).

- 15                  ☒ All participants who are not actively being questioned as a witness,  
16                  asking questions of a witness, defending a witness, or providing or  
17                  responding to opening statements, closing arguments, or other  
18                  arguments, shall maintain their audio on mute to limit potential  
19                  interruptions. The video hearing host also will have the ability to mute  
20                  and unmute any participant if needed.

- 21                  ☒ Any participants using multiple devices in a single workspace to  
22                  access the trial should avoid audio feedback issues by, e.g., only using  
23  
24

1 the microphone and speakers on one device at a time, or utilizing  
2 headphones.

3 ☒ To the extent possible, remote trial participants should conduct  
4 themselves in the same way they would if they were physically present  
5 in a courtroom. Remote participants should silence electronic devices  
6 other than devices necessary to remote participation, and generally  
7 take steps to minimize anything in their remote workspace that would  
8 distract from the integrity of the proceedings. The Court understands  
9 that conducting trial from one's home, for example, presents many  
10 challenges. The court asks all remote participants to do their best to  
11 maintain professionalism in order to conduct a fair and efficient trial.

12 ☒ Objections

13 When an objection is made, the witness shall stop talking and let the court rule  
14 on the objection.

15 ☒ Disconnection

16 ☐ In the event that the court, a party, counsel, a witness, or anyone else  
17 necessary to the proceedings becomes disconnected from the remote  
18 trial, the trial will stop while the connection is reestablished.

19 ☐ Counsel must ensure that a witness has an alternative means of  
20 communicating with counsel (e.g., a cellphone) in the event of  
21 disconnection.

22 ☒ Appropriate dress

23  
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Parties, witnesses, and counsel are to dress in the same manner as they would in a live courtroom.

☒ Screen Names

When remotely accessing the trial, remote participants should ensure that their screen name indicates their actual name.

The clerk is ordered to provide copies of this order to all counsel. Dated 11/5/20

A handwritten signature in black ink, appearing to read "Marsha J Pechman", written over a solid black horizontal line.

Marsha J Pechman  
United States District Judge